

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X Case No.: 24-cv-00055 (MAD)(CFH)
COMPASS-CHARLOTTE 1031, LLC,

Plaintiff,

-against-

PRIME CAPITAL VENTURES, LLC,
BERONE CAPITAL FUND, LP,
BERONE CAPITAL PARTNERS LLC,
BERONE CAPITAL LLC.
BERONE CAPITAL EQUITY FUND I, LP,
and 405 MOTORSPORTS LLC f/k/a Berone
Capital Equity Partners, LLC,

Defendants.

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PAUL A. LEVINE, as Receiver of Prime Capital
Ventures, LLC,

Third-Party Plaintiff,

-against-

KRIS D. ROGLIERI, TINA M. ROGLIERI, KIMBERLY
HUMPHREY a/k/a KIMMY HUMPHREY, PRIME
COMMERCIAL LENDING, LLC, COMMERCIAL
CAPITAL TRAINING GROUP-, THE FINANCE
MARKETING GROUP, NATIONAL ALLIANCE OF
COMMERCIAL LOAN BROKERS LLC and FUPME,
LLC,

Third-Party Defendants.

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Upon the reading and filing of the Declaration of Jeremiah Beguesse, dated the 7th day of March, 2024, the Declaration of Fabian Stone, dated the 6th day of March, 2024, the Local Rule 7.1(e) Declaration of Nicole L. Milone, dated the 8th day of March, 2024, and the memorandum of law in support of Defendants' Berone Capital Fund, LP, Berone Capital Partners LLC, Berone Capital LLC, Berone Capital Equity Fund I, LP and 405 Motorsports LLC f/k/a Berone Capital Equity Partners, LLC (collectively "Berone Defendants") motion to vacate the appointment of

the permanent receiver solely with respect to the Berone Defendants (ECF Doc #56) pursuant to Federal Rule of Civil Procedure Rule 66:

NOW on motion of Certilman Balin Adler & Hyman, LLP, attorneys of record for Berone Defendants,

LET Plaintiff, or their respective attorneys show cause before this Court, at a term for the hearing of motions before Honorable Mae A. D'Agostino at the Courthouse thereof, located at 445 Broadway, Courtroom 5, Albany, New York, 12207 _____ on the _____ day of March, 2024, at _____ o'clock in the _____ noon of that day, or as soon thereafter as counsel can be heard,

WHY, pursuant to Rule 66 of the Federal Rules of Civil Procedure, the Order Appointing Permanent Receiver, dated January 24, 2024 (ECF Doc #56), should not be vacated solely with respect to the Berone Defendants.

SUFFICIENT CAUSE APPEARING THEREFOR, it is

ORDERED, that Service of a copy of this Order and all other supporting papers, by filing on PACER, on or before March _____, 2024 shall be deemed good and sufficient service;

IT IS FURTHER ORDERED, that any opposing papers in response to the Order to Show Cause shall be delivered no later than _____ at _____ p.m./a.m. Service shall be made by filing on PACER. The Berone Defendants shall have until _____ at _____ a.m./p.m. to serve any reply papers by filing on PACER.

IT IS SO ORDERED.

DATED: Albany, New York
March ___, 2024

UNITED STATES DISTRICT JUDGE